

PB# 07-24

Blue Rhino/Ferrell Gas

9-1-50

07-24 Blue Rhino/Ferrell Gas Perm.
Ruscitti Rd (Raab) Spec. Plan.
Site Plan.

TOWN OF NEW WINDSOR
PLANNING BOARD
APPROVED COPY
DATE: 4-22-08



PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/24/2008

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]
A [Disap, Appr]

FOR PROJECT NUMBER: 7-24

NAME: FERRELL GAS / BLUE RHINO PROPANE PA2005-748
APPLICANT: FERRELLGAS/BLUE RHINO

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
04/22/2008	PLANS STAMPED	APPROVED
10/24/2007	P.B. APPEARANCE - PUB HEARIN . NO PUBLIC COMMENT - ADDRESS MARK'S COMMENTS; COST EST.	ND: CL PH; APPR COND
09/26/2007	P.B. APPEARANCE	LA: SCHED PH
09/12/2007	P.B. APPEARANCE	NEXT AGENDA
06/06/2007	WORK SHOP	SUBMIT
08/17/2005	WORK SHOP	RET TO WS

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#209-2008

04/15/2008

Blue Rhino P.B. #07-24

Received \$ 125.00 for Planning Board Fees, on 04/15/2008. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/15/2008

PAGE: 1

LISTING OF PLANNING BOARD FEES
4% FEE

FOR PROJECT NUMBER: 7-24
NAME: FERRELL GAS / BLUE RHINO PROPANE PA2005-748
APPLICANT: FERRELLGAS/BLUE RHINO

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
04/03/2008	2% OF 4775.00 COST EST	CHG	95.50		
04/14/2008	REC. CK. #311654	PAID		95.50	
		TOTAL:	95.50	95.50	0.00

*Planning
4-11-08*

P.B.#07-24 2% inspection fee

THE BACK OF THIS DOCUMENT CONTAINS A WATERMARK.



ARK Holding
470 Hanes Mill Rd, STE 200
Winston-Salem, NC 27105
836-659-6720

Bank of America, N.A.
Controlled Disbursement
Northbrook, IL
96-19
530
1981

311654

PAY	95 Dollars and 50 Cents	DATE	04/09/08	AMOUNT	\$95.50
TO	TOWN OF NEW WINDSOR				
THE	555 UNION AVENUE				
ORDER	NEW WINDSOR NY 12553				
	United States				

William M. Full

⑈311654⑈ ⑆071923284⑆ 8765115965⑈

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/15/2008

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 7-24

NAME: FERRELL GAS / BLUE RHINO PROPANE PA2005-748
APPLICANT: FERRELLGAS/BLUE RHINO

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
09/05/2007	REC. CK. #1658	PAID		750.00	
09/12/2007	P.B. MINUTES	CHG	56.00		
09/26/2007	P.B. MINUTES	CHG	56.00		
10/24/2007	P.B. MINUTES	CHG	21.00		
10/24/2007	P.B. ATTY. FEES	CHG	542.50		
10/24/2007	P.B. ENGINEER FEES	CHG	708.10		
04/14/2008	REC. CK. #311652	PAID		633.60	
TOTAL:			1383.60	1383.60	0.00

Jeffery 4-15-08

Cont

P.B.#07-24 ESCROW

THE BACK OF THIS DOCUMENT CONTAINS A WATERMARK.



ARK Holding
470 Hanes Mill Rd, STE 200
Winston-Salem, NC 27105
336-659-6720

Bank of America, N.A.
Controlled Disbursement
Northbrook, IL
68-19
530
1981

311652

PAY 633 Dollars and 60 Cents
TO TOWN OF NEW WINDSOR
THE 555 UNION AVENUE
ORDER NEW WINDSOR NY 12553
OF United States

DATE 04/09/08 AMOUNT \$633.60

William M. Full

⑈ 311652 ⑈ ⑆ 071923284 ⑆ 8765115965 ⑈



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

OFFICE OF THE PLANNING BOARD

April 4, 2008

Ferrell Gas
470 Hanes Mill Road
Winston-Salem, NC 27105

SUBJECT: FEES DUE PLANNING BOARD #07-24

Dear Sir:

Please find attached printouts of fees due for subject project.

Please contact your client, the applicant, and ask that payment be submitted in separate checks, payable to the Town of New Windsor, as follows:

Check #1 – Approval Fee.....	\$ 125.00
Check #2 – Amount over escrow posted.....	\$ 633.60
Check #3 - 2% of \$4775.00 (Cost Est)...inspect fee.....	\$ 95.50

Upon receipt of these checks, I will have the plans stamped and signed approved.

If you have any questions in this regard, please contact my office.

Very truly yours,

Myra L. Mason, Secretary To The
NEW WINDSOR PLANNING BOARD

MLM

*4/4/08
Sent to Jim Raab.*

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/03/2008

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 7-24
NAME: FERRELL GAS / BLUE RHINO PROPANE PA2005-748
APPLICANT: FERRELLGAS/BLUE RHINO

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
09/05/2007	REC. CK. #1658	PAID		750.00	
09/12/2007	P.B. MINUTES	CHG	56.00		
09/26/2007	P.B. MINUTES	CHG	56.00		
10/24/2007	P.B. MINUTES	CHG	21.00		
10/24/2007	P.B. ATTY. FEES	CHG	542.50		
10/24/2007	P.B. ENGINEER FEES	CHG	708.10		
		TOTAL:	1383.60	750.00	633.60

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/03/2008

PAGE: 1

LISTING OF PLANNING BOARD FEES
APPROVAL

FOR PROJECT NUMBER: 7-24
NAME: FERRELL GAS / BLUE RHINO PROPANE PA2005-748
APPLICANT: FERRELLGAS/BLUE RHINO

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
10/24/2008	APPROVAL FEE	CHG	125.00		
		TOTAL:	125.00	0.00	125.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/03/2008

PAGE: 1

LISTING OF PLANNING BOARD FEES
4% FEE

FOR PROJECT NUMBER: 7-24
NAME: FERRELL GAS / BLUE RHINO PROPANE PA2005-748
APPLICANT: FERRELLGAS/BLUE RHINO

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
04/03/2008	2% OF 4775.00 COST EST	CHG	95.50		
		TOTAL:	95.50	0.00	95.50

PLANNING BOARD
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Appl No: 7-24

File Date:09/05/2007

SEC-BLK-LOT:9-1-50-0

Project Name:FERRELL GAS / BLUE RHINO PROPANE PA2005-748

Type:3&4

Owner's Name:NEW ENGLAND MOTOR FREIGHT

Phone:(814) 456-9609

Address:141 EAST 26TH STREET - ERIE, PA 16504

Applicant's Name:FERRELLGAS/BLUE RHINO

Phone:(336) 659-6720

Address:470 HANES MILL ROAD - WINSTON-SALEM, NC 27105

Preparer's Name:JAMES RAAB

Phone:(845) 561-1170

Address:5020 RT. 9W - SUITE 104 - NEWBURGH, NY 12550

Proxy/Attny's Name:

Phone:

Address:

Notify:JAMES RAAB 561-7738 FAX

Phone:(845) 561-1170

Location:RUSCITTI ROAD

Acreage	Zoned	Prop-Class	Stage	Status
2.130	PI	0		0
Printed-on	Schl-Dist	Sewr-Dist	Fire-Dist	Light-Dist
04/04/2008	NEWB			

Appl for:PROPANE GAS DISTRIBUTION

Addl Municipal Services:

Streets:

Water:

Sewer:

Garbage:

Vincent J. Doce Associates
ENGINEERS ~ SURVEYORS ~ PLANNERS
PROJECT CONSULTANTS - LAND CONSULTANTS
5020 route 9w - suite 103
NEWBURGH, NEW YORK 12550
TEL. 845-561-1170 ~ FAX 845-561-7738

March 14, 2008

Blue Rhino / Ferrellgas
55 Ruscitti Road, Town of New Windsor
Section 9 Block 1 Lot 50
Performance Security Estimate

1. 22 Jersey Barriers x \$40/ft. (placement by Blue Rhino) =	\$880.00
2. 20 Danger Propane / No Smoking Signs (to be mounted on fence) x \$25 =	\$500.00
3. 20 Danger / No trespassing Signs (to be mounted on fence) x \$25 =	\$500.00
4. 1 Do Not Enter Sign & pole =	\$70.00
5. 1 handicap parking sign and striping =	\$125.00
6. 1 New Gate (installed by contractor) =	\$1800.00
7. 2 Building Mounted Spotlights x \$450.00 (installed by contractor) =	\$900.00
Total	\$4775.00

2% 95.50

October 24, 2007

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PUBLIC HEARINGS:

BLUE RHINO/FERRELL GAS SITE PLAN (07-24)

MR. ARGENIO: First on tonight's agenda is a public hearing. Please come up, give us your name and affiliation.

MR. RAAB: My name is Jim Raab with the Vincent J. Doce Associates and I'm here to represent Ferrell Gas.

MR. ARGENIO: Briefly, briefly, I'd like to hear what you want to do. We've seen this at least twice, I think maybe three times so give us a very brief synopsis of what you're doing there for the benefit of the public and then we'll open it up to the public and we'll receive comments. Go.

MR. RAAB: This is a site that was formally New England Motor Freight Terminal. Ferrell Gas would like to use this as a distribution center, not for refilling tanks but for the storage of barbecue cylinder tanks. They would like to store approximately 12,000 small tanks here on a regular basis with the ability to maybe increase that to maybe 16,000 over a period of a year. If they like the site, they'll probably be buying it pretty soon. But that's basically it. We have cleared the fire inspector's requirements. For the signage, there will be 20 signs posted around the site, propane, no smoking, no trespassing as required by the fire inspector. And the entire storage area will be barricaded off with Jersey barriers.

MR. ARGENIO: On the tenth day of October, 2007, three addressed envelopes went out containing the notice of public hearing for this application. If there's anybody in the audience that would like to speak for or against or just comment on this application, I'd like you to raise your hand, be recognized by the chairman, give Franny your name and your address and you'll be

October 24, 2007

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afforded an opportunity to speak. Is there anybody that would like to speak? I'll accept a motion we close the public hearing.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board close the public hearing on Blue Rhino/Ferrell Gas site plan on Ruscitti Road. We've seen this, we've discussed it at length. I personally was not in favor of the public hearing because of the area it was in but the other members disagreed with me and that's okay, that's the essence of government and having a board here. We do have some housekeeping here if somebody feels appropriate, I'll accept a motion for negative dec under the SEQRA.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare negative dec under the SEQRA process for Blue Rhino/Ferrell Gas site plan. No further discussion, roll call.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Mark or Dominic, is there anything else here and to the other members is there anything else here? This has received a pretty thorough review. Hank, you were up on the dais at one point in time, do

October 24, 2007

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the other members have anything else? Mark or Dominic?

MR. EDSALL: Just my comment 4 which is the handicapped parking space which needs to be detailed which we talked to Jim about, the building inspector asked for that the bond estimate which is standard provision under the Town Code for the key site improvements and the usual that all fees be paid and I think they have.

MR. ARGENIO: Sir, do you take exception to any of the items?

MR. RAAB: No.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion's been made and seconded that the Town of New Windsor Planning Board offer final approval to the Blue Rhino/Ferrell Gas site plan subject to what Mark just read into the minutes which reflects his comment number 4 and the 3 bullets associated with it. If there's no further discussion, roll call.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. MCGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

**MAIN OFFICE
33 AIRPORT CENTER DRIVE
SUITE 202
NEW WINDSOR, NEW YORK 12553**

(845) 567-3100

FAX: (845) 567-3232

E-MAIL: MHENY@MHEPC.COM

**WRITER'S E-MAIL ADDRESS:
MJE@MHEPC.COM**

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

PROJECT NAME: BLUE RHINO / FERRELLGAS SITE PLAN
(PROPANE DISTRIBUTION FACILITY)
PROJECT LOCATION: 63 RUSCITTI ROAD
SECTION 9 – BLOCK 1 – LOT 50
PROJECT NUMBER: 07-24
DATE: 24 OCTOBER 2007
DESCRIPTION: THE APPLICATION PROPOSES THE CHANGE IN USE OF THE
SUBJECT PROPERTY TO DEVELOP A PROPANE DISTRIBUTION
FACILITY. THE PLAN WAS PREVIOUSLY REVIEWED AT THE
12 SEPTEMBER 2007 AND 26 SEPTEMBER 2007 PLANNING BOARD
MEETINGS. *THE APPLICATION IS BEFORE THE BOARD FOR A
PUBLIC HEARING AT THIS MEETING.*

1. The application proposes a series of Pallet Storage Areas (some seasonal) for storage of propane for distribution. It is my understanding that no filling operations are involved on site.
2. As previously noted, the primary concern for this application involved the safe storage of the product, and adequate and safe access around the storage areas. This aspect received thorough review with the Fire Inspector's Office as part of the Worksession procedure. An approval from that office is on file.
3. The Planning Board previously assumed Lead Agency under SEQRA. If the Board feels it appropriate, they may wish to classify this action as an "unlisted action" and consider a "negative declaration" of environmental significance, based on the information presented and reviewed.
4. If the Board deems it appropriate to grant conditional final approval, I recommend the following conditions, in addition to those outlined by the Planning Board:
 - That the plan be revised to include a handicapped parking space with access to the building (include detail).

REGIONAL OFFICES

- 111 WHEATFIELD DRIVE – SUITE ONE • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

- The Planning Board should require that a bond estimate be submitted for the key site improvements of this Site Plan in accordance with Chapter 137 of the Town Code. Applicants are advised that a list of acceptable unit prices is available from the Engineer for the Planning Board.
- That all fees be paid prior to stamp of approval (inspection fees must be paid prior to start of any construction work).

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Engineer for the Planning Board

MJE/st
NW07-24-24Oct07.doc

Date	Entry #	Received From/Paid To Explanation	Chg# Rec#	Rpts	General Diabs	Fees	Bld		Trust Activity		Balance
							Inv#	Acc	Rpts	Diabs	
12132	TOWN OF NEW WINDSOR										
6085937		FERRELIGAS BLUE RHINO PROPANE DISTRIBUTION SI									Resp Lawyer: JRL
Sep 12/2007	93769	Lawyer: DRC 0.20 Hrs X 175.00 REVIEW M EDSALL'S COMMENTS PB# 07-24				35.00	5008				
Sep 12/2007	93770	Lawyer: DRC 0.30 Hrs X 175.00 REVIEW FILE PB# 07-24				52.50	5008				
Sep 12/2007	93771	Lawyer: DRC 0.20 Hrs X 175.00 ATTEND PLANNING BOARD MEETING PB# 07-24				35.00	5008				
Sep 26/2007	95933	Lawyer: DRC 0.30 Hrs X 175.00 REVIEW FILE PB# 07-24				52.50	5008				
Sep 26/2007	95934	Lawyer: DRC 0.10 Hrs X 175.00 REVIEW M EDSALL'S COMMENTS PB# 07-24				17.50	5008				
Sep 26/2007	95935	Lawyer: DRC 0.30 Hrs X 175.00 ATTEND PLANNING BOARD MEETING PB# 07-24				52.50	5008				
Sep 26/2007	95942	Lawyer: DRC 1.00 Hrs X 175.00 PREPARE RESOLUTIONS ADOPTING A NEGATIVE DECLARATION AND GRANTING SITE PLAN APPROVAL PB# 07-24				175.00	5008				
Oct 10/2007	98949	Lawyer: DRC 0.30 Hrs X 175.00 AGGREGATE TIME SPENT FINALIZING THE RESOLUTIONS AND THE NEGATIVE DECLARATION PB# 07-24				52.50					
Oct 16/2007	99208	Billing on Invoice 5008 FEES 420.00			0.00		5008				
Oct 22/2007	100931	Lawyer: DRC 0.20 Hrs X 175.00 AGGREGATE TIME SPENT REVISING THE RESOLUTIONS PB# 07-24				35.00					
Oct 22/2007	100932	Lawyer: DRC 0.20 Hrs X 175.00 REVIEW M EDSALL'S COMMENTS PB# 07-24				35.00					

TOTALS PERIOD	UNBILLED				BILLED				BALANCES		TRUST
	CHE	+ RECOV	+ FEES	= TOTAL	DISBS	+ FEES	+ TAX	- RECEIPTS	= A/R		
	0.00	0.00	122.50	122.50	0.00	420.00	0.00	0.00	420.00	0.00	

REPORT SELECTIONS - Client Ledger

Layout Template Default
 Requested by Rose Thoma
 Finished Wednesday, October 24, 2007 at 01:41:15 PM
 Ver 8.20c
 Matters 6085937
 Clients All
 Major Clients All
 Client Intro Lawyer All
 Matter Intro Lawyer All
 Responsible Lawyer All
 Assigned Lawyer All
 Type of Law All
 Select From Active, Inactive Matters
 Matters Sort by Default
 New Page for Each Lawyer No
 New Page for Each Matter No
 No Activity Date Dec 31/2199
 Firm Totals Only No
 Totals Only No
 Entries Shown - Billed Only No
 Entries Shown - Disbursements Yes
 Entries Shown - Receipts Yes
 Entries Shown - Time or Fees Yes
 Entries Shown - Trust Yes
 Incl. Matters with Retainer Bal No
 Incl. Matters with Neg Unbld Disb No
 Trust Account All
 Working Lawyer All
 Include Corrected Entries No
 Show Check # on Paid Payables No
 Show Client Address No
 Consolidate Payments No
 Show Trust Summary by Account No
 Printed from Register

420.00
 122.50

 542.50

HISTORICAL CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56 NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)
 TASK: 7- 24

CLIENT: NEWWIN - TOWN OF NEW WINDSO

TASK-NO	REC	DATE	TRAM	EMPL	ACT DESCRIPTION	RATE	HRS.	TIME	EXP.	BILLED	BALANCE	
7-24	239083	06/06/07	TIME	MJE	WB FARRELL GAS RUSCETTI	119.00	0.40	47.60				
7-24	239964	08/09/07	TIME	MJE	MC DC:FERRIGAS S/P	119.00	0.40	47.60				
7-24	240107	08/15/07	TIME	MJE	WB BLUE RHINO S/P	119.00	0.50	59.50				
7-24	240157	08/21/07	TIME	MJE	MC FARRELL GAS APP FB	119.00	0.30	35.70				
7-24	240427	09/10/07	TIME	MJE	MR BLUE RHINO S/P	119.00	0.60	71.40				
7-24	240429	09/11/07	TIME	MJE	MR BLUE RHINO S/P	119.00	0.10	11.90				
7-24	240431	09/11/07	TIME	MJE	PM BLUE RHINO W/GA	119.00	0.20	23.80				
7-24	240424	09/12/07	TIME	MJE	MM BLUE RHINO	119.00	0.30	35.70				
7-24	240510	09/22/07	TIME	MJE	MR BLUE RHINO S/P	119.00	0.30	35.70				
7-24	240630	09/24/07	TIME	MJE	MR BLUE RHINO S/P	119.00	0.20	23.80				
7-24	240637	09/25/07	TIME	MJE	PM BLUE RHINO W/GA	119.00	0.20	23.80				
7-24	240622	09/26/07	TIME	MJE	MM BLUE RHINO	119.00	0.30	35.70				
7-24	240639	09/26/07	TIME	MJE	MC DC:BLUE RHINO	119.00	0.20	23.80				
								476.00				
7-24	240581	09/27/07			BILL 07-2516					-368.90		
										-368.90		
7-24	244683	09/27/07										
7-24	240953	10/19/07	TIME	MJE	MR BLUE RHINO S/P	119.00	0.30	35.70				
7-24	240983	10/24/07	TIME	MJE	MM Cond S/P APPL	119.00	0.10	11.90				
7-24	241104	10/24/07	TIME	MJE	MM BLUE RHINO	119.00	0.30	35.70				
								83.30				
7-24	241023	10/25/07			BILL 07-2841					-142.80		
										-142.80		
7-24	244740	10/25/07										
7-24	241297	11/19/07			BILL 07-3081					-47.60		
										-47.60		
7-24	244808	11/19/07										
								TASK TOTAL	559.30		-559.30	0.00
										0.00	0.00	
								GRAND TOTAL	559.30		-559.30	0.00
										0.00	0.00	

\$ 559.30
 \$ 148.80

 708.10

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSO

TASK: 7- 24

FOR ALL WORK ON FILE:

											-----DOLLARS-----	
TASK-NO	REC	--DATE--	TEAM	EMPL	ACT	DESCRIPTION-----	RATE	HRS.	TIME	EXP.	BILLED	BALANCE
7-24	356537	03/12/08	TIME	MJE	MC	REV BLUE PRIMO COST	124.00	0.40	49.60			
7-24	356576	03/14/08	TIME	MJE	MC	REV BLUE PRIMO COST	124.00	0.40	49.60			
7-24	373719	03/25/08	TIME	MJE	MC	cost est rev & enc	124.00	0.40	49.60			
TASK TOTAL									148.80	0.00	0.00	148.80
GRAND TOTAL									148.80	0.00	0.00	148.80

**RESOLUTION ADOPTING A NEGATIVE DECLARATION
FOR A SITE PLAN APPLICATION**

*Ferrell Gas Blue Rhino Propane Distribution
PB # 07-24*

WHEREAS, an application was made to the Planning Board of the Town of New Windsor for approval of a site plan by Ferrell Gas/Blue Rhino (the "applicant") for a project described as the "Ferrell Gas Blue Rhino Propane Distribution";

WHEREAS, the subject site consists of 2.13 acres of land and comprised of one tax map parcel in the Town of New Windsor identified on the tax map as section 9, block 1, and lot 50 (SBL 9-1-50); and

WHEREAS, the action involves a request for a site plan approval for Propane Gas Storage and Distribution facility where no filling of individual tanks will occur; and

WHEREAS, the applicant has submitted a fully executed short form Environmental Assessment Form ("EAF") pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Planning Board, being the sole involved agency, conducted an uncoordinated SEQRA review for this project; and

WHEREAS, during the course of the Planning Board's review of the Applicant's proposed site plan layout, the Planning Board received and considered correspondence from the public as well as the Town's consultants; and

WHEREAS, a duly advertised public hearing on the application for site plan and special use permit approval was held on October 24, 2007 at which time all those wishing to be heard were given the opportunity to heard; and

WHEREAS, on October 24, 2007 the public hearing on the application for site plan and special use permit approval was closed; and

WHEREAS, the Planning Board has carefully considered all of the comments raised by the public, the Board's consultants, and other interested agencies, organizations and officials, including those presented at numerous meetings of the Board as well as those submitted separately in writing; and

WHEREAS, the applicant has submitted a proposed site plan consisting of one sheet, prepared by Vincent J. Doce Associates dated June 18, 2006, with no revisions; and

WHEREAS, the Planning Board has determined that the Proposed Action minimizes or avoids significant environmental impacts and, therefore, the accompanying Negative Declaration is hereby adopted as part of the approval of the site plan.

NOW, THEREFORE, be it resolved as follows:

1. The Planning Board is lead agency for an uncoordinated review of this action;
2. This is an Unlisted Action for SEQRA purposes;
3. The EAF submitted by the applicant has been fully reviewed and considered by the Planning Board;
4. Having reviewed with due care and diligence the EAF submitted by the applicant, the application herein and all pertinent documentation and testimony received at the public hearing, it is determined that the proposed action will not have, nor does it include, the potential for significant adverse environmental impacts;
5. The Planning Board hereby adopts the SEQRA "Negative Declaration" annexed hereto.

Upon motion made by Member _____, seconded by Member _____, the foregoing resolution was adopted as follows:

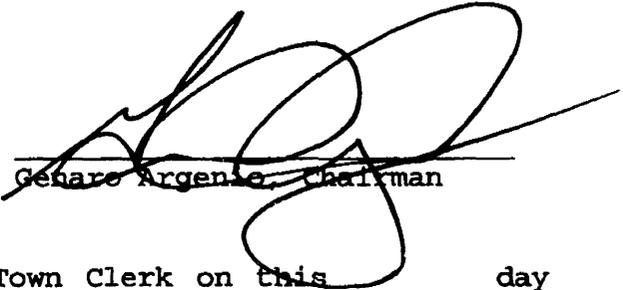
Member, Daniel Gallagher	Aye	Nay	Abstain	Absent
Member, Howard Brown	Aye	Nay	Abstain	Absent
Member, Neil Schlesinger	Aye	Nay	Abstain	Absent
Member, Henry Vanleeuwen	Aye	Nay	Abstain	Absent
Chairman, Genaro Argenio	Aye	Nay	Abstain	Absent

- - -

Alternate, Henry Schieble

Aye Nay Abstain Absent

Dated: October 24, 2007
New Windsor, New York



~~Gebare Argente, Chairman~~

Filed in the Office of the Town Clerk on this _____ day
of October, 2007.

Deborah Green
Town Clerk

**TOWN OF NEW WINDSOR PLANNING BOARD
COUNTY OF ORANGE**

NEGATIVE DECLARATION

*Ferrell Gas Blue Rhino Propane Distribution
Site Plan Approval
PB # 7-24
(S-B-L: 9-1-50)*

PLEASE TAKE NOTICE that, according to the provisions of Article 8 of the Environmental Conservation Law and the New York Code of Rules and Regulations Part 617, the Town of New Windsor Planning Board has adopted a Negative Declaration for the project named below. The Planning Board is serving as Lead Agency for this Unlisted Action, for an Uncoordinated review of this Unlisted Action.

Name of Project: Ferrell Gas Blue Rhino Propane Distribution
Action Type: Unlisted Action; Uncoordinated Review
Location: Town of New Windsor, County of Orange
Location: 63 Ruscitti Road
Zoning District: PI
Tax Map Parcel: 9-1-50

Summary of Action:

The action involves a request for a site plan approval for a propane storage and distribution facility where no filling of individual tanks will occur.

Reasons Supporting the Negative Declaration:

Based on its consideration of the available information, the Planning Board finds there would be no significant adverse environmental effects associated with granting the site plan approval.

Visual impacts, traffic, solid waste generation, energy consumption, and public service demands would not be significant in connection with the proposed propane storage and distribution facility. No other potentially significant harmful environmental impacts are identified.

Date of Adoption of Negative Declaration: October 24, 2007
Agency Address: Town of New Windsor Planning Board
Town Hall – 555 Union Avenue
New Windsor, New York 12553
Tel. (845) 563-4615
Contact Person: Genaro Argenio, Planning Board Chairman

**RESOLUTION GRANTING SITE PLAN APPROVAL
FOR PROPANE STORAGE AND DISTRIBUTION**

*Ferrell Gas Blue Rhino Propane Distribution
PB # 07-24*

WHEREAS, an application was made to the Planning Board of the Town of New Windsor for approval of a site plan by Ferrell Gas/Blue Rhino (the "applicant") for a project described as the "Ferrell Gas Blue Rhino Propane Distribution";

WHEREAS, the subject site consists of 2.13 acres of land and comprised of one tax map parcel in the Town of New Windsor identified on the tax map as section 9, block 1, and lot 50 (SBL 9-1-50); and

WHEREAS, the action involves a request for a site plan approval for Propane Gas Storage and Distribution facility where no filling of individual tanks will occur; and

WHEREAS, the applicant has submitted a fully executed short form Environmental Assessment Form ("EAF") pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Planning Board, being the sole involved agency, conducted an uncoordinated SEQRA review for this project; and

WHEREAS, during the course of the Planning Board's review of the Applicant's proposed site plan layout, the Planning Board received and considered correspondence from the public as well as the Town's consultants; and

WHEREAS, a duly advertised public hearing on the application for site plan and special use permit approval was held on October 24, 2007 at which time all those wishing to be heard were given the opportunity to heard; and

WHEREAS, on October 24, 2007 the public hearing on the application for site plan and special use permit approval was closed; and

WHEREAS, the Planning Board has carefully considered all of the comments raised by the public, the Board's consultants, and other interested agencies, organizations and officials, including those presented at numerous meetings of the Board as well as those submitted separately in writing; and

WHEREAS, the applicant has submitted a proposed site plan consisting of one sheet, prepared by Vincent J. Doce Associates dated June 18, 2006, with no revisions ; and

WHEREAS, the Planning Board has heretofore determined that the Proposed Action minimizes or avoids significant environmental impacts and, adopted a Negative Declaration as part of the approval of the site plan.

NOW, THEREFORE, the Planning Board finds that the applicant has satisfied the requirements of Town Code § 300-86 and approves the site plan subject to the following terms and conditions:

1. The applicant shall pay all outstanding fees due the Town in connection with this application;
2. The applicant shall make any required revisions to the site plan to the satisfaction of the Planning Board Engineer and Planning Board Attorney;
3. The applicant shall secure all necessary permits, approvals and authorizations required from any other agency, if required;
4. The applicant shall provide performance security in amount and form acceptable to the Planning Board engineer and attorney;
5. The applicant shall submit proof of satisfaction of the foregoing conditions and submit a plan for signature within six months of the date of this resolution.

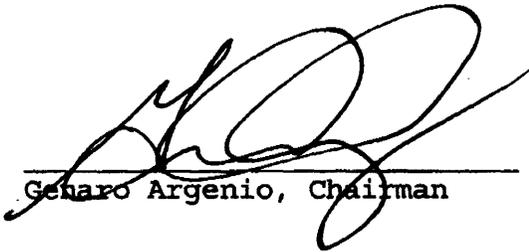
Upon motion made by Member _____, seconded by Member _____, the foregoing resolution was adopted as follows:

Member, Daniel Gallagher	Aye	Nay	Abstain	Absent
Member, Howard Brown	Aye	Nay	Abstain	Absent
Member, Neil Schlesinger	Aye	Nay	Abstain	Absent
Member, Henry Vanleeuwen	Aye	Nay	Abstain	Absent
Chairman, Genaro Argenio	Aye	Nay	Abstain	Absent

Alternate, Henry Schieble

Aye Nay Abstain Absent

Dated: October 24, 2007
New Windsor, New York



Genaro Argenio, Chairman

Filed in the Office of the Town Clerk on this _____ day
of October, 2007.

Deborah Green
Town Clerk

September 26, 2007

(8)

38

BLUE RHINO/FERRELL GAS SITE PLAN (07-²⁴~~26~~)

Mr. James Raab appeared before the board for this proposal.

MR. ARGENIO: Blue Rhino application proposes the change in use of the subject property to develop a propane distribution facility. The plan was previously reviewed at the 12 September, 2007 planning board meeting. This was the meeting that nobody attended. I think it was Rosh Hashanah, Neil, is that right?

MR. SCHLESINGER: That's correct.

MR. ARGENIO: This is across the street from me, if anybody doesn't know where it is. You're on Ruscitti Road there. I'm the neighbor that will not affect my ability to be objective and I will discuss it and I will vote on it.

MR. SCHEIBLE: Well, they're presently there right now.

MR. ARGENIO: The building is presently there.

MR. RAAB: They're operating only at a very limited capacity, that's all they're doing.

MR. ARGENIO: Yonkers Contracting is to the south, Tilcon is directly to the north and Argenio Brothers is right there and the railroad tracks are on one side. Go ahead, sir, tell us what you want to do.

MR. RAAB: I'm Jim Raab from Doce Associates here to represent Blue Rhino.

MR. ARGENIO: I unlike the other members have seen this already because I was at the meeting so for the benefit of the other members.

MR. RAAB: Former New England Motor Freight still owned

by New England Motor Freight and they have leased this to Blue Rhino which is, they're a division of Ferrell Gas and they propose to store approximately between 12 and 16,000 grill type cylinders 20 pound cylinders on site. Through a series of meetings with the town engineer and also the fire inspector's office, we came up with a plan where they would be cordoned off by Jersey barriers, facility storage areas are in the blue, has this, the existing building here, all the cylinders will be stored outside, the propane gas cylinders inside, there will be CO2 storage in the cages that they're displayed in at the gas stations and other retail locations they have throughout the county. We plan on coming in here and going around the site counterclockwise, the traffic will go, the barriers will be right up against the storage area here, we have nine difference locations for fire extinguishers as required by the fire inspector also 20 of these signs, danger, propane, no smoking and no trespassing all the way around the perimeter in 20 locations, again all of that is based on our meetings with the fire inspector's office.

MR. SCHLESINGER: Just so I get an idea of concept here, this is like a distribution center?

MR. RAAB: Yes but there will be no filling of tanks.

MR. SCHLESINGER: No, I understand, you bring back empties and send out?

MR. RAAB: In fact, at their peak time, there will be 12,000 cylinders on site, six of them will be empty, six will be full, always want to have about half and half.

MR. SCHLESINGER: And your trucks deliver this to like gas stations and maybe Home Depot?

MR. RAAB: Beverage style trucks deliver it, tractor

trailers drop 'em here.

MR. SCHLESINGER: And your trucks are kept on site?

MR. RAAB: Yes, 2 though 4 depending on the season, 2 to 4 beverage, sometimes single axles, sometimes a trailer pull type beverage type truck that will pull, that will deliver the tanks.

MR. SCHLESINGER: Absolutely no retail?

MR. RAAB: No retail trade at all at this time.

MR. SCHLESINGER: CO2 and displaced storage.

MR. RAAB: There's CO2 cylinders which can be stored inside.

MR. SCHLESINGER: What's the CO2 for?

MR. RAAB: That's a good question. They distribute it, I had a representative with me the last time, he's not here with me.

MR. SCHLESINGER: CO2 is for the food industry is becoming antiquated.

MR. RAAB: But they're still distributing them, they still distribute them from this site, they don't expect a lot of them, most of the storage inside is for the cages at the gas stations and markets.

MR. SCHLESINGER: Display things like a sales?

MR. RAAB: And signs and stuff like that.

MR. SCHEIBLE: At any one time how many units could be on site say especially during the summertime busy season?

MR. RAAB: They had anticipated 12, we have storage area for 16,000, they had anticipated 12,000, I have given the storage area 16,000 in case they expect the business to boom up here, they think it's a great location, it will probably end up purchasing this from New England Motor Freight that's a much better location than they ever anticipated, that's why Blue Rhino took it over from Ferrell.

MR. SCHEIBLE: Where do they, just out of curiosity, where are they bringing the units in from?

MR. RAAB: Jersey, northern Delaware.

MR. SCHEIBLE: Then they take them back there and have them retail it?

MR. RAAB: That's right.

MR. ARGENIO: One of the things I asked at the last meeting was I was always curious what happens if somebody shoots a gun at the tank and if you see that see that letter there that's the genesis of that letter was because I asked that question and I was assured by the representative of Blue Rhino who drove in from Oklahoma as he pointed out to us that if you shoot one of these tanks with a gun it does not explode. And one of the other things that I probed quite thoroughly at the last meeting you guys will see it in the minutes was the response from the fire inspector, I think it's really important to have the fire inspector on board for something like this because it's propane, just as certain if it was a gasoline storage area as far as location I think if there was an applicant coming to the Town of New Windsor Planning Board that wanted to locate a propane facility in New Windsor, I don't think you could find a better spot. You have a vacant lot owned by Yonkers Contracting to the south, you have woods, railroad tracks and a building in the front which is your greatest amount of exposure. You have

Tilcon on the other side which would be the north side who stores aggregates in their lot and you have A & R Concrete Products and a vacant lot to the east, so I don't think you could get a better location in my opinion.

MR. SCHEIBLE: I totally agree with you on that point. I have no problem with the location, definitely not.

MR. ARGENIO: Let's move forward. Does anybody, if anybody feels fit I'll accept a motion to declare lead agency.

MR. SCHLESINGER: Lead agency so moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare itself lead agency for Blue Rhino site plan on Ruscitti Road. Roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Neil, public hearing?

MR. SCHLESINGER: It's a dangerous flammable thing, I think people who have some extra concerns about it I think we owe it to the neighbors.

MR. BROWN: What's the nearest neighbor?

MR. SCHEIBLE: Argenio.

MR. ARGENIO: Yonkers is a vacant lot, Tilcon they store stone, they store aggregates, there's no residential, A & R Concrete stores catch basins, I'm next to Tilcon, I don't know, I certainly--

MR. SCHEIBLE: God forbid something should happen down the road ten years from now, how come there wasn't one?

MR. SCHLESINGER: It's a vacant lot now, may not be a vacant lot next week.

MR. SCHEIBLE: I would say yes public hearing.

MR. BROWN: Okay, it's an iffy thing.

MR. GALLAGHER: I'm in favor of having one, again, just for the nature of the business.

MR. SCHEIBLE: So nobody can holler.

MR. GALLAGHER: I don't think we'll have too many people showing up, that's my opinion.

MR. ARGENIO: That's what we're going to do then. That's what we have to do, we have, we're a board and I'm certainly not autonomous up here, I gave you my opinion but I'm certainly not autonomous.

MR. SCHEIBLE: Your busy season isn't going to start next year?

MR. RAAB: If this was June maybe it would be a different story but--

MR. ARGENIO: Motion we schedule a public hearing.

MR. SCHLESINGER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board schedule a public hearing for the Blue Rhino. Roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	NO

MR. BROWN: Just one question in reference to a bullet what about if one of those tanks should go off how would it affect the other tanks?

MR. RAAB: Well, see, again, I'm not a propane expert but I believe what--

MR. ARGENIO: Let me interrupt you, you know what, rather than do a dance, you have to come back again for the public hearing which I promise you if you can get with Myra and get your act together I'll get you on the next agenda, why don't you contact somebody who does know the answer to Howard's question, have them write us a little note.

MR. RAAB: If you've got any other questions, submit them to Myra, I'll be glad to have answers.

MR. CORDISCO: If I may, I believe that specific issue was addressed in this last submission because they talk about the fact that there is a fire safety valve so that even if there's an ignition in the very slim chance that there is an ignition of one tank that the fire safety valves on the other tanks prevent any explosion from occurring.

MR. ARGENIO: Where are you reading from?

September 26, 2007

45

MR. CORDISCO: This was in the Blue Rhino submission September 20.

MR. EDSALL: The new letter that just came in.

MR. ARGENIO: Does Howard have a copy?

MS. MASON: Everybody does.

MR. ARGENIO: Howard, take a look at that, see if that answers your question.

MR. CORDISCO: Small arms fire is unlikely to penetrate a propane cylinder. If penetration by a projectile occurs, it's unlikely that a mere penetration into a 20 number 2 grill system will cause a fire, if fire were to ignite, the pressure safety release systems on the cylinders prevents an explosion. That's what the company had to say.

MR. ARGENIO: I don't know what else we can do for you. Thank you for your time, see what we can do.

MR. RAAB: I'll get together with Myra.

MS. MASON: Bring me a check for \$25 tomorrow.



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. MCGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

**MAIN OFFICE
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SUITE 202
NEW WINDSOR, NEW YORK 12553**

**(845) 567-3100
FAX: (845) 567-3232
E-MAIL: MHENY@MHEPC.COM**

**WRITER'S E-MAIL ADDRESS:
MJE@MHEPC.COM**

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

PROJECT NAME: BLUE RHINO / FERRELLGAS SITE PLAN
(PROPANE DISTRIBUTION FACILITY)
PROJECT LOCATION: 63 RUSCITTI ROAD
SECTION 9 – BLOCK 1 – LOT 50
PROJECT NUMBER: 07-24
DATE: 26 SEPTEMBER 2007
DESCRIPTION: THE APPLICATION PROPOSES THE CHANGE IN USE OF THE
SUBJECT PROPERTY TO DEVELOP A PROPANE DISTRIBUTION
FACILITY. THE PLAN WAS PREVIOUSLY REVIEWED AT THE
12 SEPTEMBER 2007 PLANNING BOARD MEETING.

1. The application proposes a series of Pallet Storage Areas (some seasonal) for storage of propane for distribution. It is my understanding that no filling operations are involved on site.
2. As previously noted, the primary concern for this application involved the safe storage of the product, and adequate and safe access around the storage areas. This aspect received thorough review with the Fire Inspector's Office as part of the Worksession procedure. An approval from that office is on file.
3. To my knowledge, there are no other Involved Agencies for this application. As such, the Planning Board may wish to assume the position of Lead Agency under the SEQRA review process.
4. The Planning Board should determine, for the record, if a Public Hearing will be required for this Site Plan, per its discretionary judgment under Paragraph 300-86 (C) of the Town Zoning Local Law.
5. The Planning Board may wish to classify this action as an "unlisted action" under SEQRA, and consider a "negative declaration" of environmental significance, based on the information presented and reviewed.

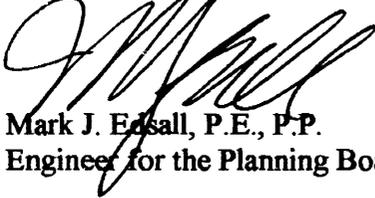
REGIONAL OFFICES

• 111 WHEATFIELD DRIVE – SUITE ONE • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

6. If the Board deems it appropriate to grant conditional final approval, I recommend the following conditions, in addition to those outlined by the Planning Board:

- That the plan be revised to include a handicapped parking space with access to the building (include detail).
- The Planning Board should require that a bond estimate be submitted for the key site improvements of this Site Plan in accordance with Chapter 137 of the Town Code. Applicants are advised that a list of acceptable unit prices is available from the Engineer for the Planning Board.
- That all fees be paid prior to stamp of approval (inspection fees must be paid prior to start of any construction work).

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Engineer for the Planning Board

MJE/st
NW07-24-26Sept07.doc

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/24/2007

PAGE: 1

LISTING OF PLANNING BOARD **AGENCY APPROVALS**

FOR PROJECT NUMBER: 7-24

NAME: FERRELL GAS / BLUE RHINO PROPANE PA2005-748

APPLICANT: FERRELLGAS/BLUE RHINO

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
ORIG	09/06/2007	MUNICIPAL HIGHWAY	/ /	
ORIG	09/06/2007	MUNICIPAL WATER	/ /	
ORIG	09/06/2007	MUNICIPAL SEWER	/ /	
ORIG	09/06/2007	MUNICIPAL FIRE	08/21/2007	APPROVED
ORIG	09/06/2007	NYS DOT	/ /	

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/24/2007

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE: STATUS [Open, Withd]
O [Disap, Appr]

FOR PROJECT NUMBER: 7-24
NAME: FERRELL GAS / BLUE RHINO PROPANE PA2005-748
APPLICANT: FERRELLGAS/BLUE RHINO

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
09/26/2007	P.B. APPEARANCE	LA: SCHED PH
09/12/2007	P.B. APPEARANCE	NEXT AGENDA
06/06/2007	WORK SHOP	SUBMIT
08/17/2005	WORK SHOP	RET TO WS

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/24/2007

PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 7-24

NAME: FERRELL GAS / BLUE RHINO PROPANE PA2005-748
APPLICANT: FERRELLGAS/BLUE RHINO

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	09/06/2007	EAF SUBMITTED	09/06/2007	WITH APPLIC
ORIG	09/06/2007	CIRCULATE TO INVOLVED AGENCIES	/ /	
ORIG	09/06/2007	LEAD AGENCY DECLARED	09/26/2007	TOOK LA
ORIG	09/06/2007	DECLARATION (POS/NEG)	/ /	
ORIG	09/06/2007	SCHEDULE PUBLIC HEARING	09/26/2007	SCHED PH
ORIG	09/06/2007	PUBLIC HEARING HELD	/ /	
ORIG	09/06/2007	WAIVE PUBLIC HEARING	/ /	
ORIG	09/06/2007	FINAL PUBLIC HEARING	/ /	
ORIG	09/06/2007	PRELIMINARY APPROVAL	/ /	
ORIG	09/06/2007	LEAD AGENCY LETTER SENT	/ /	

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on **OCTOBER 24, 2007** at 7:30 P.M. on the approval of the proposed Site Plan for **BLUE RHINO - FERRELL GAS (07-24)**

Located at **RUSCITTI ROAD** (Tax Map #Section 9, Block 1, Lot 50) .

Map of the proposed project is on file and may be inspected at the **Planning Board Office**, Town Hall, 555 Union Avenue, New Windsor, NY prior to the Public Hearing.

Date: SEPTEMBER 28, 2007

By Order of

TOWN OF NEW WINDSOR PLANNING BOARD

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 09/06/2007

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 7-24
NAME: FERRELL GAS / BLUE RHINO PROPANE PA2005-748
APPLICANT: FERRELLGAS/BLUE RHINO

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
09/05/2007	REC. CK. #1658	PAID		750.00	
		TOTAL:	0.00	750.00	-750.00

*ref
P. B. #07-24 Escrow
9-6-07*

DUKAT ASSOCIATES P.B. #07-24 ESCROW - J. RABD 561-7738
A PARTNERSHIP
 79 CHARLES STREET
 MONTGOMERY, NY 12549-1027

1658
62-15/311

Date 6/19/07

Pay to the order of TOWN OF NEW WINDSOR \$ 750.00
SEVEN HUNDRED FIFTY Dollars

Edward Jones PNC BANK, DELAWARE
 Spring Individual Investors Since 1871 WILMINGTON, DELAWARE

For APP. FARRER Da Kille 340042314

⑈0000001658⑈ ⑆031100157⑆ 1880297293⑈

©-APLANOLIBERTY

● **Town of New Windsor** ●
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#678-2007

09/06/2007

Dukat Associates
79 Charles Street
Montgomery, NY 12549

Received \$ 375.00 for Planning Board Fees, on 09/06/2007. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

PB# 07-24 application fee



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.
 RICHARD D. McGOEY, P.E. NY & PA
 WILLIAM J. HAUSER, P.E. NY & NJ
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Writer's E-mail Address:
 mjf@mhaupt.com

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN/VILLAGE OF: NEW WINDSOR P/B APP. NO.: 100-3

WORK SESSION DATE: 15 Aug 2007 PROJECT: NEW OLD

REAPPEARANCE AT W/S REQUESTED: No RESUB. REQ'D: Revised plan

PROJECT NAME: Blue Rhino

REPRESENTATIVES PRESENT: Jim Raab

MUNICIPAL REPS PRESENT: BLDG INSP. _____
 FIRE INSP. Carney B
 MHE REP (MJE) (Other) _____ P/B CHMN _____

PB ATTY. _____
 PLANNER _____
 OTHER _____

ITEMS DISCUSSED:

A - Year land change
B - Park Lane - May - Aug
DNE sign to left
TO RETURN PLAN
I MARKED JP.

STND CHECKLIST:

DRAINAGE _____	PROJECT TYPE
DUMPSTER _____	<u>SITE PLAN</u>
SCREENING _____	SPEC PERMIT
LIGHTING _____	L L CHG.
(Streetlights)	SUBDIVISION
LANDSCAPING _____	OTHER
BLACKTOP _____	
ROADWAYS _____	
APPROVAL BOX _____	

PROJECT STATUS:
 ZBA Referral: Y N
 Ready For Meeting X N
 Recommended Mtg Date next avail



Walter Mitchell
Development Manager
Blue Rhino Propane
10 Rising Sun Rd
Bordentown, NJ 08505

Blue Rhino Corporation
104 Cambridge Plaza Drive
Winston-Salem, NC 27104

800.258.7466
P 336.659.6900

September 20, 2007

Mr. Jerry Argenio

Chairman New Windsor Planning Board

Dear Jerry,

First of all thanks for your considerations with our hearing last week for Blue-Rhino. I have enclosed some information concerning your question on possible "shooting" of our tanks.

While they are made of steel and cylindrical penetration is not likely. However the test that blue-rhino observed did not cause any fire or explosion.

As Director of Public Safety and supervisor of the Zoning and Code Inspectors for the Town of Babylon I attended numerous events and meeting at Town Hall. You made yours very down to earth and sincere.

Best of luck in future endeavors.

Walter Mitchell

631-258-7488

RECEIVED SEP 26 2007

Fred Baumann
Blue Rhino Corp.
104 Cambridge Plaza Drive
Winston-Salem, NC 27014
1 800-566-9215 ext. 6983

Sirs,

There may be a concern about unlikely but potential catastrophes – cylinders in the display being struck by rifle/pistol fire or being struck by a vehicle. In both cases,
THE CYLINDERS DID NOT EXPLODE.

1. **Ballistic Testing**¹

UGI had commissioned the contained testing of common 20# DOT grill cylinders and the effects of ballistic devices. The results of the testing were independently reported by Rural/Metro Fire Department, Scottsdale, AZ.

The test was developed to determine the impact, if any, select caliber's of ammunition would have on 20# DOT grill cylinders. The tests were specifically intended to evaluate the immediate hazard associated with an accidental or intentional discharge of a firearm into a grill cylinder display that was manufactured for retail use.

The testing was performed using a six-cylinder retail display system containing six cylinders. The cylinders were charged to standard pressure to complete the testing. Es of the testing

The objectives of the testing were as follows:

- To determine if a projectile would ignite the propane product evacuating from a cylinder and,
- to determine, should a fire ignite from the projectile, if the impingement on adjacent containers would cause an explosion.

The caliber of weapons used for this testing ranged from a 300 magnum (a high powered hunting rifle) to a 9mm parabelum (a common handgun). Evaluator's also varied the range from approximately 50 meters to less than 10 meters in order to create different situations and to record the results of varied distances.

The following represents the results of the testing:

- A single projectile penetration would not cause product ignition.
- Using timed firings to allow for an appropriate air/fuel ratio, two bullets fired into a cylinder at six-second intervals failed to ignite the product, even after several trials.
- After numerous varied tests, it was determined that given the environment, the simple breach of the cylinder would not result in combustion.
- In another attempt to cause product ignition, a lighted cigarette was secured in front of the display rack. A 300-magnum projectile penetrated the cylinder. This test also failed to cause ignition even after the cylinder was completely evacuated and the burning cigarette was found near the base of the rack.

RECEIVED SEP 26 2007

Summary

Small arms fire is unlikely to penetrate a propane cylinder. If penetration by a projectile occurs, it is unlikely that the mere penetration into a 20# DOT grill cylinder would cause a fire. If a fire were to ignite by an outside source, the pressure/safety relief system on the cylinders prevents an explosion.

2. Crash Testing

Although there has been no formal test regarding this type of accident, Blue Rhino has recorded an actual incident that occurred. To quickly summarize the incident, an individual driving a midsize automobile was travelling at speeds sufficient enough to crash through the Blue Rhino installed crash postsⁱ, pushing the display several feet into the store front. None of the cylinders' integrity was compromised nor were any pressure/safety relief systems on the cylinders activated. There were no injuries recorded as a result of this incident and after reconstruction of the storefront, a new display was installed according to code.

Blue Rhino is excited to have the opportunity to service your retail locations. We share your concerns and have taken every reasonable step to ensure the safety of our product for your associates and customers.

Regards,

Fred Baumann

ⁱ -Source for all information re: ballistics testing provided courtesy of UGI Group and the Rural/Metro Fire Department Division of Public Information

ⁱⁱ -Some municipalities require the use of crash post in front of displays that are accessible by motor vehicle via a high speed avenue of approach

RECEIVED SEP 26 2007



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. MCGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

MAIN OFFICE
33 AIRPORT CENTER DRIVE
SUITE 202
NEW WINDSOR, NEW YORK 12553

(845) 567-3100
FAX: (845) 567-3232
E-MAIL: MHENY@MHEPC.COM

WRITER'S E-MAIL ADDRESS:
MJE@MHEPC.COM

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: BLUE RHINO / FERRELLGAS SITE PLAN
(PROPANE DISTRIBUTION FACILITY)
PROJECT LOCATION: 63 RUSCITTI ROAD
SECTION 9 – BLOCK 1 – LOT 50
PROJECT NUMBER: 07-24
DATE: 12 SEPTEMBER 2007
DESCRIPTION: THE APPLICATION PROPOSES THE CHANGE IN USE OF THE
SUBJECT PROPERTY TO DEVELOP A PROPANE DISTRIBUTION
FACILITY. THE PLAN WAS REVIEWED ON A CONCEPT BASIS.

1. The application proposes a series of Pallet Storage Areas (some seasonal) for storage of propane for distribution. It is my understanding that no filling operations are involved on site.

The use is, to my understanding, Permitted Use #2 of the PI Zone. The bulk table on the plan needs corrections (lot area to be corrected; add frontage, FAR and Dvmt Coverage). The lot appears to comply with the bulk requirements, other than the front yard, which is pre-existing, non-conforming.

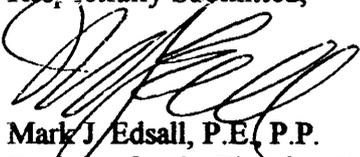
2. The primary concern for this application involved the safe storage of the product, and adequate and safe access around the storage areas. This aspect received thorough review with the Fire Inspector's Office as part of the Worksession procedure. It is my understanding that the FI's Office has accepted this plan layout.
3. The plan should include a handicapped parking space with access to the building (include detail).
4. The Planning Board should require that a bond estimate be submitted for the key site improvements of this Site Plan in accordance with Chapter 137 of the Town Code. Applicants are advised that a list of acceptable unit prices is available from the Engineer for the Planning Board.

REGIONAL OFFICES

• 111 WHEATFIELD DRIVE – SUITE ONE • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

5. To my knowledge, there are no other Involved Agencies for this application. As such, the Planning Board may wish to assume the position of Lead Agency under the SEQRA review process.
6. The Planning Board should determine, for the record, if a Public Hearing will be required for this Site Plan, per its discretionary judgment under Paragraph 300-86 (C) of the Town Zoning Local Law.
7. I am aware of no other technical or engineering issues for this change in use application. If the Board has any specific areas of concern, I will be pleased to review same.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Engineer for the Planning Board

MJE/st
NW07-24-12Sept07.doc



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

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(570) 296-2765
e-mail: mhpea@mhhepc.com

Writer's E-mail Address:
mje@mhhepc.com

**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

TOWN / VILLAGE OF: New Windsor P/B APP. NO.: (100-3)

WORK SESSION DATE: 6 June 2007 PROJECT: (NEW) OLD

REAPPEARANCE AT W/S REQUESTED: not now RESUB. REQ'D: fill app

PROJECT NAME: Blue Rhino / Ferrell Gas.

REPRESENTATIVES PRESENT: Mike Henry / Jim Cook / Walter

MUNICIPAL REPS PRESENT: BLDG INSP. _____ PB ATTY. _____
FIRE INSP. Bill Horton PLANNER _____

MHE REP: (MJE) (Other) _____ P/B CHMN _____ OTHER _____

ITEMS DISCUSSED: Ferrell Gas - former NG site STND CHECKLIST: PROJECT TYPE

- Distributor Yard
- 53' truck NW \leftrightarrow Power DE (1152 tank)
- Storage site only
- no filling on site
- fence in + row
- front + rear access lanes
- separate deliveries $\textcircled{1}$ right rack + CDL $\textcircled{2}$ left propane
- 3rd issue large "retail" tanks
- hyd by side
- they are to call bideth re violation

- DRAINAGE _____
 - DUMPSTER _____
 - SCREENING _____
 - LIGHTING _____
(Streetlights)
 - LANDSCAPING _____
 - BLACKTOP _____
 - ROADWAYS _____
- PROJECT TYPE
- (SITE PLAN)
 - SPEC PERMIT
 - L L CHG.
 - SUBDIVISION
 - OTHER

APPROVAL BOX

PROJECT STATUS:
ZBA Referral: _____ Y _____ N
Ready For Meeting: _____ Y _____ N
Recommended Mtg Date _____

J Raab

From: Mike Fleming [MFleming@bluerhino.com]
Sent: Wednesday, May 30, 2007 5:20 PM
To: J Raab
Cc: Alex Churchill; Sam Hassell; Walter Mitchell; Rich Brown; Dan Shane; Jay Werner; Randy Warner
Subject: Blue Rhino Assets at New Windsor, NY Yard - Permitting Needs

Jim, here is the list of equipment, tanks, fuel, etc., provided by Blue Rhino Operations required under the proposed permit for New Windsor. We should plan to use this as needed next Tuesday in the "Working Session" in New Windsor.

Items for New Windsor, NY Yard:

- LPS Forklift
- Yard ramp
- May-August ~ 12,000 small propane tanks ("grill cylinder variety"). This is a combination of 6,000 full tanks (17# of liquid each) and 6,000 "empty" tanks (.63# of liquid each) awaiting refurbishment (residual gas as returned to our display cabinets) [105,780# total]
- September-April ~ 6,000 small propane tanks ("grill cylinder variety"). This is a combination of 3,000 full tanks (17 lbs. of gas each) and 3,000 "empty" tanks (.63# of liquid each) awaiting refurbishment (residual gas as returned to our display cabinets) [52,890# total]
- Year round Rhino Power (CO2) storage of ~2,000 tanks between empty and full (9oz. & 20 oz.)
- Rhino Power empty displays stored between deployment at retail stores
- 2-4 - single axle tractor & beverage trailer combinations depending on season
- 2-4 - tandem tractors and enclosed 53' trailer combinations
- Possibly a pick-up truck or straight install truck parked there occasionally

PLEASE CONFIRM RECEIPT OF THIS E-MAIL AND YOUR AVAILABILITY TO MEET AROUND NOON NEXT TUESDAY INCLUDING WHERE WALTER MITCHELL AND I SHOULD MEET YOU.

Finally, advise if any questions or additional needs regarding the list above.

Thanks, Mike

Mike Fleming, CIE, CPE
 Manager, Safety
 Blue Rhino, division of Ferrellgas, LP
 470 W. Hanes Mill Road, Suite 200
 Winston-Salem, NC 27105
 Phone 336.659.6720
 Fax 336.331.6720
 Cell 336.918.4418
m Fleming@bluerhino.com

"No machine or process has spontaneously produced more product. Why should your safety culture?"



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Writer's E-mail Address:
mje@mhepc.com

**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

100-3

TOWN / VILLAGE OF: New Windsor P/B APP. NO.: _____

WORK SESSION DATE: Aug 17, 2005 PROJECT: NEW OLD _____

REAPPEARANCE AT W/S REQUESTED: Yes RESUB. REQ'D: later file

PROJECT NAME: Perrelli Gar sp + spec lot

REPRESENTATIVES PRESENT: Tom Hawk / Jim Raas

MUNICIPAL REPS PRESENT: BLDG INSP. _____ FIRE INSP. _____
ENGINEER PLANNER _____
P/B CHMN _____ OTHER _____

ITEMS DISCUSSED:
- P.I. / Pluicetti (behind Dec'tt)
- B-5 dirt to retail (A-2)
- need A/B survey (good)
- proposed
- clean excess just => left
- no big issue if ↓
 impermeable.
- Load + Lyden: Pla
- need MB input on
 zoning, - ZBA

STND CHECKLIST:
DRAINAGE _____
DUMPSTER _____
SCREENING _____
LIGHTING _____
(Streetlights)
LANDSCAPING _____
BLACKTOP _____
ROADWAYS _____
APPROVAL BOX _____

PROJECT TYPE
SITE PLAN
SPEC PERMIT
L.L. CHG.
SUBDIVISION
OTHER

PROJECT STATUS:
ZBA Referral: _____ Y _____ N ?
Ready For Meeting _____ Y N
Recommended Mtg Date _____

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

PLANNING BOARD APPLICATION

TYPE OF APPLICATION (check appropriate item):

Subdivision _____ Lot Line Change _____ Site Plan Special Permit

Tax Map Designation: Sec. 9 Block 1 Lot 50

BUILDING DEPARTMENT PERMIT NUMBER PA 2005 - 748

- BLUE RAIN
- Name of Project FERRELLGAS^Y PROPANE DISTRIBUTION
 - Owner of Record NEW ENGLAND MOTOR FREIGHT Phone (814) 456-9609
Address: 141 EAST 26TH STREET ERIE PA 16504
(Street Name & Number) (Post Office) (State) (Zip)
 - Name of Applicant FERRELLGAS/BLUE RAIN Phone (336) 659-6720
Address: 470 HANES MILL ROAD, SUITE 200 WINSTON-SALEM NC 27105
(Street Name & Number) (Post Office) (State) (Zip)
 - Person Preparing Plan JAMES E. RAAR / V.J. DICE ASSOCIATES Phone 561-1170
Address: 5020 ROUTE 9W SUITE 104 NEWBURGH, NY 12550
(Street Name & Number) (Post Office) (State) (Zip)
 - Attorney _____ Phone _____
Address _____
(Street Name & Number) (Post Office) (State) (Zip)
 - Person to be notified to appear at Planning Board meeting: e-mail jraar@hvc.rr.com.
JAMES E. RAAR 561-1170 561-7738
(Name) (Phone) (fax)
 - Project Location: On the SOUTH side of RUSCITTI ROAD
(Direction) (Street)
 - Project Data: Acreage 2.13 Zone PI School Dist. NEWBURGH

PAGE 1 OF 2

(PLEASE DO NOT COPY 1 & 2 AS ONE PAGE TWO-SIDED)

07-24

9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes _____ No ✓

*This information can be verified in the Assessor's Office.

*If you answer yes to question 9, please complete the attached Agricultural Data Statement.

10. Detailed description of Project: (Use, Size, Number of Lots, etc.) Propose Gas Distribution
2.13 ACRES, FORMERLY NEMF TERMINAL

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes _____ no ✓

12. Has a Special Permit previously been granted for this property? yes _____ no ✓ NOT TO OUR KNOWLEDGE

IF THIS APPLICATION IS SIGNED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

NOTARIAL SEAL
JANET M. NATHAN
Notary Public
CITY OF ERIE, ERIE COUNTY
My Commission Expires Aug 17, 2008

City of Erie
State of Pennsylvania
SWORN BEFORE ME THIS:

9 DAY OF January 2006

Janet M Nathan
NOTARY PUBLIC

X [Signature]
(OWNER'S SIGNATURE)

[Signature]
(AGENT'S SIGNATURE)

JAMES E. ROAR
Please Print Agent's Name as Signed

TOWN USE ONLY:

DATE APPLICATION RECEIVED

APPLICATION NUMBER

AGENT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR PLANNING BOARD

NEW ENGLAND MOTOR FREIGHT, deposes and says that he resides
(OWNER)

at 141 E 26TH STREET ERIE in the County of ERIE
(OWNER'S ADDRESS)

and State of PENNSYLVANIA and that ^{They are} ~~he is~~ the owner of property tax map

(Sec. _____ Block _____ Lot _____)
designation number (Sec. 9 Block 1 Lot 55) which is the premises described in
the foregoing application and that he designates:

(Agent Name & Address)

JAMES E. RAAB - V.J. DOCE ASSOCIATES - 5020 ROUTE 9W SUITE 104
(Name & Address of Professional Representative of Owner and/or Agent) NEWBURGH, NY. 12550

as his agent to make the attached application.

**THIS DESIGNATION SHALL BE EFFECTIVE UNTIL WITHDRAWN BY THE OWNER OR
UNTIL TWO (2) YEARS FROM THE DATE AGREED TO, WHICH EVER IS SOONER.**

NOTARIAL SEAL
JANET M. NATHAN
Notary Public
CITY OF ERIE, ERIE COUNTY
My Commission Expires Aug 17, 2006

City of Erie
State of Pennsylvania

SWORN BEFORE ME THIS:

9 DAY OF January 2006

X ** [Signature]
Owner's Signature (MUST BE NOTARIZED)

Agent's Signature (If Applicable)

[Signature]
NOTARY PUBLIC

[Signature]
Professional Representative's Signature

** PLEASE NOTE: ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.

THIS PROXY SHALL BE VOID TWO (2) YEARS AFTER AGREED TO BY THE OWNER

TOWN OF NEW WINDSOR PLANNING BOARD

SITE PLAN CHECKLIST

ITEM

1. Site Plan Title
2. Provide 4" wide X 2" high box **(IN THE LOWEST RIGHT CORNER OF THE PLAN)** for use by Planning Board in affixing Stamp of Approval. (ON ALL PAGES OF SITE PLAN).

SAMPLE:



3. Applicant's Name(s)
4. Applicant's Address
5. Site Plan Preparer's Name
6. Site Plan Preparer's Address
7. Drawing Date
8. Revision Dates
9. Area Map Inset and Site Designation
10. Properties within 500' of site
11. Property Owners (Item #10)
12. Plot Plan
13. Scale (1" = 50' or lesser)
14. Metes and Bounds
15. Zoning Designation
16. North Arrow
17. Abutting Property Owners
18. Existing Building Locations
19. Existing Paved Areas
20. Existing Vegetation
21. Existing Access & Egress

PROPOSED IMPROVEMENTS

22. _____ Landscaping
23. ✓ Exterior Lighting
24. _____ Screening
25. ✓ Access & Egress
26. ✓ Parking Areas
27. ✓ Loading Areas
28. N/A Paving Details (Items 25 - 27)
29. N/A Curbing Locations
30. N/A Curbing through section
31. ✓ Catch Basin Locations
32. — Catch Basin Through Section
33. ✓ Storm Drainage
34. ✓ Refuse Storage
35. ✓ Other Outdoor Storage
36. ✓ Water Supply
37. _____ Sanitary Disposal System
38. ✓ Fire Hydrants
39. ✓ Building Locations
40. ✓ Building Setbacks
41. EXISTING Front Building Elevations
42. ✓ Divisions of Occupancy
43. _____ Sign Details
44. ✓ Bulk Table Inset
45. ✓ Property Area (Nearest 100 sq. ft.)
46. EXISTING Building Coverage (sq. ft.)
47. EXISTING Building Coverage (% of total area)
48. EXISTING Pavement Coverage (sq. ft.)
49. EXISTING Pavement Coverage (% of total area)
50. N/A Open Space (sq. ft.)
51. N/A Open Space (% of total area)
52. _____ No. of parking spaces proposed
53. ? No. of parking spaces required

REFERRING TO QUESTION 9 ON THE APPLICATION FORM, AIS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:

54. N/A

Referral to Orange County Planning Dept. is required for all applicants filing AD Statement.

55. N/A

A disclosure Statement, in the form set below, must be inscribed on all site plan maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

APrior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leasee shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors.

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGMENT:

THE PLAT FOR THE PROPOSED SITE PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THIS CHECKLIST AND THE TOWN OF NEW WINDSOR ORDINANCES, TO THE BEST OF MY KNOWLEDGE.

BY: [Signature] 6/18/07
Licensed Professional Date



⌘ ⌘ ⌘ ⌘ ⌘ ⌘ **PLEASE NOTE:** ⌘ ⌘ ⌘ ⌘ ⌘ ⌘

THE APPLICANT OR THEIR REPRESENTATIVE IS RESPONSIBLE TO KEEP TRACK OF ALL EXPIRATION DATES FOR ANY AND ALL APPROVALS GRANTED TO A PROJECT. EXTENSIONS MUST BE APPLIED FOR PRIOR TO EXPIRATION DATE.

PROJECT I.D. NUMBER

State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
 For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <i>FERRELL GAS / BLUE RHINO PROPANE</i>	2. PROJECT NAME <i>FERRELL GAS / BLUE RHINO PROPANE</i>
3. PROJECT LOCATION Municipality <i>Town of New Windsor</i> County <i>ORANGE</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>63 RUSCETTI ROAD SECTION 9 BLOCK 1 LOT 50</i>	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>PROPANE STORAGE & DISTRIBUTION: 176 CYLINDERS (6000-12,000) CO² TANKS (1000) BLUE RHINO DISPLAY CAGES</i>	
7. AMOUNT OF LAND AFFECTED: Initially <i>2.13</i> acres Ultimately <i>2.13</i> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: <i>DISTRIBUTION, SAND & GRAVEL, CONCRETE PAVES, OFFICES AND LIGHT RETAIL</i>	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals <i>BUILDING DEPARTMENT MISC. BUILDING PERMITS</i>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <i>TOMAS E. ROAS - APPLICANT'S AGENT</i>	Date: <i>6/18/07</i>
Signature: <i>[Signature]</i>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If yes, explain briefly:

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

_____ Name of Lead Agency

_____ Print or Type Name of Responsible Officer in Lead Agency _____ Title of Responsible Officer

_____ Signature of Responsible Officer in Lead Agency _____ Signature of Preparer (if different from responsible officer)

_____ Date

EC0134
"XX"

ATTACHMENTS

- A. Flood Hazard Area Development Permit Application Form.
- B. Certificate of Compliance *THIS PROPERTY IS NOT IN A FLOOD ZONE*

PLEASE NOTE: IF PROPERTY IS NOT IN A FLOOD ZONE, PLEASE INDICATE THAT ON THIS FORM AND SIGN YOUR NAME. RETURN FORM WITH PLANNING BOARD APPLICATION.

IF PROPERTY IS LOCATED IN A FLOOD ZONE, PLEASE COMPLETE THE ATTACHED (LEGAL SIZE) PAPERS AND RETURN WITH PLANNING BOARD APPLICATION.

